

**CRIMINAL JUSTICE COMMISSION
LEGISLATIVE COMMITTEE MEETING
2010 Legislative Suggestions**

Submitted By	Suggestion	Date Discussed	Action Taken
County Attorney	Require scrap yards to ascertain proof of ownership (vehicle title or registration) from an individual before accepting the vehicle for scrap.	9-3-09	Approved
County Attorney <i>*Proposed and approved by committee last two years</i>	<p>Proposed changes regarding KRS 387.570 and 387.580 to allow a bench trial in lieu of juries in competency hearings conducted in guardianship proceedings when the parties agree and there is no objection from interested parties, and the judge finds no cause to require a jury trial. <i>(filed in 08 as HB129 – language listed below)</i></p> <p><u>(7) The hearing shall be a jury trial unless:</u> <u>(a) The parties, the counsel for the respondent, and the attorney for the Commonwealth agree to a bench trial;</u> <u>(b) No objection to a bench trial is made by an interested person or entity; and</u> <u>(c) The court, having reviewed any interdisciplinary evaluation report prepared for the proceeding, finds no cause to require a jury trial.</u></p> <p><i>* To ensure consistency in legislation, members recommended that this legislation be combined with the Uniform Guardianship legislation listed below.</i></p>	9-3-09	Approved
Commonwealth Attorney's Office	Amend Chapter 218A.050 to include N-benzylpiperazine (BZP). BZP is a federally classified schedule I non-narcotic that is not a controlled substance under KRS. It is a hallucinogenic that has the same effects as Ecstasy or MDMA. There has been an increase in its presence locally (and in other counties) over the last several months.	9-3-09	Approved
Commonwealth Attorney's Office	Amend Robbery 1 st statute (515.020) to include "armed with a gun or any simulated gun or threatening the use of a gun."	9-3-09	Approved
Commonwealth Attorney's Office	Amend KRS 510.320 to require that a defendant after a finding of probable cause or indictment for a sexual offense shall be compelled to undergo a HIV test no later than 48 hours after the request and provide for follow-up testing.	9-3-09	Approved
Commonwealth Attorney's Office & Metro Corrections	Amend KRS to make it a felony for corrections staff to engage in sexual contact/intercourse with an inmate. Kentucky is only one of 3 states in which this conduct is not a felony. <i>* Filed last year in two bills – as a Rape 3rd degree and as Sexual Abuse 1st degree.</i>	9-3-09	Approved

Alzheimer's Association	<p>Supports adoption of the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act. This was filed last year as HB468. Legislation would enable courts in different states to communicate with each other about adult guardianship.</p> <p><i>*To ensure consistency in legislation, members recommended that this legislation be combined with the legislation above that would allow bench trials in lieu of juries in guardianship cases.</i></p>	9-3-09	Approved
DVPCC <i>*Proposed and approved by committee last two years</i>	<p>Emergency Protective Order/Domestic Violence Order (PREFILED AS BR133 & BR145)</p> <p>An act relating to dating violence. Amend KRS 403.720 to include dating partners among the class of persons allowed to obtain domestic violence protective orders; amend KRS 431.005 to reference the definition of "unmarried couple" in KRS 403.720.</p> <p><u>(4) "Dating relationship" means a relationship between individuals who have or have had a relationship of a romantic or intimate nature, but does not include a casual acquaintanceship or ordinary fraternization in a business or social context. The existence of a dating relationship shall be determined based on consideration of the length and nature of the relationship and the frequency and type of interaction between the persons involved in the relationship.</u></p>	9-3-09	Approved